

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 13-cv-03326-REB-SKC

DR. JAMES C. DOBSON, and
FAMILY TALK,

Plaintiffs,

v.

ALEX AZAR, Secretary of the United States Department of Health and Human
Services, et al.,

Defendants.

FINAL JUDGMENT

In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Final Judgment is hereby entered.

Pursuant to the Order for Entry of Final Judgment (Doc. # 64) entered by United States District Judge Robert E. Blackburn, on March 13, 2020, it is

ORDERED that Plaintiffs' Status Report and Combined Motion for Dismissal of Non-RFRA Claims, Entry of Final Judgment, and Extension of Time to Submit Motion for Attorney's Fees and Costs (#62) is GRANTED. It is

FURTHER ORDERED that judgment is entered in favor of plaintiffs, Dr. James Dobson and Family Talk, and against the defendants, Alex Azar, in his official capacity as Secretary of the United States Department of Health and Human Services, Alexander Acosta, in his official capacity as Secretary of the United States Department of Labor, Steven Mnuchin, in his official capacity as Secretary of the United States Department of the Treasury, United States Department of Health and Human Services,

United States Department of Labor, and United States Department of the Treasury, on the first claim for relief stated in the complaint [#1], a claim under the Religious Freedom Restoration Act. It is

FURTHER ORDERED that the Second, Third, Fourth, Fifth, Sixth, and Seventh claims for relief are DISMISSED WITH PREJUDICE. It is

FURTHER ORDERED that the judgment shall include the following terms stated in the permanent injunction [#61] previously entered in this case:

A. Effective forthwith, each of the defendants is permanently enjoined and restrained from any application or enforcement against the plaintiffs of any provision of 42 U.S.C. § 300gg-13(a)(4) and any related regulations implementing that provision to the extent the statute and the implementing regulations require the plaintiffs to include in the group health plan for employees of Family Talk coverage for drugs, devices, or procedures that may destroy a human embryo or fertilized egg of a mother either before or after the implantation of a fertilized egg in the uterus of its mother, as well as any related counseling or education;

B. Effective forthwith, each of the defendants is permanently enjoined and restrained from any application or enforcement against the plaintiffs of any provision of 42 U.S.C. § 300gg-13(a)(4) and any related regulations implementing that provision to the extent the statute and the implementing regulations require the plaintiffs to execute and deliver the EBSA Form 700 - Certification in order for the plaintiffs to obtain an

exemption from the requirement that the plaintiffs include in the group health plan for employees of Family Talk coverage for drugs, devices, or procedures that may destroy a human embryo or fertilized egg of a mother either before or after the implantation of a fertilized egg in the uterus of its mother, as well as any related counseling or education; and

C. Effective forthwith, each of the defendants is permanently enjoined and restrained from any application or enforcement against the plaintiffs of any provision of 42 U.S.C. § 300gg-13(a)(4) and any related regulations implementing that provision to the extent the statute and the implementing regulations impose a penalty on the plaintiffs, or either of them, based on the failure of the plaintiffs (a) to execute and deliver the EBSA Form 700 - Certification, as provided by law; or (b) to include in the group health plan for Family Talk employees coverage for drugs, devices, or procedures that may destroy a human embryo or fertilized egg of a mother either before or after the implantation of a fertilized egg in the uterus of its mother, as well as any related counseling or education. It is

FURTHER OREDRED that under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 - 2202, the court declares that the rights of the plaintiffs under RFRA are violated by enforcement of 42 U.S.C. § 300gg-13(a)(4) and any related regulations implementing that statutory provision in a manner that (1) requires the plaintiffs to include coverage of abortifacients in the group health plan for Family Talk employees; (2) requires the plaintiffs to execute and deliver the EBSA Form 700 - Certification in order for the plaintiffs to obtain an exemption; or (3) imposes a penalty on the plaintiffs due to their

failure to include coverage of abortifacients in the group health plan for Family Talk employees or to execute and deliver the EBSA Form 700 – Certification. It is

FURTHER ORDERED that the request of the plaintiffs for additional time to file a motion for an award of attorney fees, as stated in the motion [#62], is GRANTED. It is

FURTHER ORDERED that plaintiffs may file a motion, including a stipulated motion, for an award of attorney fees within 45 days of the date of this order.

DATED: March 13, 2020.

FOR THE COURT:
Jeffrey P. Colwell, Clerk

By: s/S. West
S. West, Deputy Clerk